



WISCONSIN REGULATORY DIGEST

Volume 13, No. 1 **A Publication of the**
PSYCHOLOGY EXAMINING BOARD **MAY, 2000**

Governor Tommy Thompson Appoints A New Board Member

Mariellen Fischer, Ph.D., received her doctorate in clinical psychology from the University of Vermont in 1984 and currently is a pediatric neuropsychologist and Associate Professor of Neurology at the Medical College of Wisconsin in Milwaukee. She is a Diplomate in Clinical Neuropsychology (American Board of Professional Psychology and the American Board of Clinical Neuropsychology). Dr. Fischer specializes in the evaluation and treatment of children with neurological, behavioral and learning disorders. She has published research primarily in the areas of developmental psychopathology, Attention

Deficit Hyperactivity Disorder (ADHD) and stimulant medication response. Additionally, she is a co-investigator in large-scale follow-up studies of neuropsychological functioning and family adjustments in a group of adults diagnosed with ADHD in childhood and their matched controls. Dr. Fischer comes to the Psychology Examining Board from the Wisconsin Psychological Association Ethics Committee, where she was a member from 1988-1999 and chair from 1992-1999.

Informed Consent: Time Well Spent

By Barbara A. Van Horne, Ph.D.

In Wisconsin, consumers of psychological services have the right of informed consent. By definition, informed consent requires the psychologist to provide sufficient information so that client/patient understands the nature and limits of their

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participation in the services offered. It also requires that the client be legally competent to make the choice.

There are both court decisions (e.g., *Schloendorff v. Society of New York Hospitals* (1914)) and ethical codes (e.g., APA, AMA, CAMFT, NASW) that require informed consent. The Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association (1992) outlines expectations for informed consent. Requirements for obtaining informed consent with clients, in research, and in forensics are addressed in the following standards: Standards 4.02, 6.11, 6.12, 6.13, 7.03. In addition, Standard 5.01 requires that the limits of confidentiality be disclosed to a prospective client/patient. Wisconsin State Administrative Rule Psy 5.01 itemizes requirements of informed consent as well.

What information should the prospective client receive in order to obtain informed consent? It is recommended that the following be included:

1. Limits of confidentiality;
2. Your credentials, training, experience and expertise relevant to the services offered;
3. Probable length and nature of services to be provided;
4. A description of assessment, tests, reports, consultation, and/or referral procedures;
5. Effects including risks and benefits of the service you would provide;
6. Alternatives to the services offered and the right to decline services;
7. Fees and relevant billing procedures;
8. Availability and access to emergency coverage;

9. Information about any special circumstance including the use of experimental procedures, recording devices, observations or filming/videotaping as well as potential use of details about the client for the purposes of teaching, research, or publication;
10. Any financial benefit that may incur that may not be obvious to the client;
11. Rights and complaint procedures in regard to services offered.

Adapted from Bruce Ebert, Ph.D., J.D.,
California Board of Psychology.

LIMITS OF CONFIDENTIALITY: You should advise clients of required reporting of child abuse, Court order, and duty to warn if there is evidence of dangerousness to self or others. In addition, informing of consultation/supervision as well as third party payor policies and requirements is necessary. It is essential to outline, limits of confidentiality of minors.

Disclosure of financial aspects, including hourly fee, charges for telephone contacts or missed appointments or other non-reimbursed contact, is critical. Therapy clients should be apprised of potential risks, including the potential of not feeling better or even feeling worse before improving.

Informed consent policies should be in writing. You should also verbally discuss the information before providing services and insure that the client/patient understands. And, it is important to document that you have reviewed informed consent. One approach is to have the client sign a copy of the information, giving them a copy of the signed form.

Realistically, insuring adequate informed consent takes time. It is time well spent as the process is a vehicle for modeling full disclosure and attaining partnership in the process. Clients should not fear that the rules of practice are a secret. Informed consent engenders trust. It is often the absence of that informed consent that leads consumers to file malpractice and licensing board complaints. For many reasons, providing informed consent is time well spent.

Information Packet: Supervision of Pre- and Post-Doctoral Applicants for Licensure as a Psychologist in Wisconsin

Pre- and post-doctoral supervision are required for licensure as a psychologist in Wisconsin. The expectation is that supervision provides an essential role in the final preparation for the independent practice of psychology. This role extends beyond the specifics of meeting the legal requirements. It is recognized that supervision is a complex process that changes with each supervisory relationship and evolves over time as the trainee develops competencies. Supervised experience must not only prepare a psychologist for employment subsequent to licensure but, in combination with the educational foundation, must also establish a framework for a career as a psychologist. That nature and quality of supervision has an impact on the development of professional identity and commitment to ethical behavior.

Concern for protection of the public is paramount. The supervisor has enormous responsibility to not only serve as a model of the ethical and competent professional psychologist but also establish a training program that meets the needs of the trainee and the consumer of psychological services. Supervision of pre- and

post-doctoral psychologists in preparation for licensure is challenging yet rewarding. The Wisconsin Psychology Examining Board places significant trust in supervisors who endeavor to serve the profession and the public. We thank you for your contribution.

1. Application for licensure in Wisconsin
2. Supervisory forms (Pre- and Post-doctoral) required for licensure
3. Relevant Wisconsin statutes and rules
4. Relevant sections of the APA Ethical Principles of Psychologists and Code of Conduct
5. Report of the ASPPB Task Force on Supervision Guidelines
6. Sample supervision forms
 - A. Record of supervision
 - B. Postdoctoral supervision agreement
7. Resources for additional information.

ALERT: Continuing Education Requirements Have Changed For the 1999-2001 Biennium

In order to satisfy the 40 CE credits required, programs must be offered/sponsored by:

1. Sponsors approved by The APA Sponsor Approval System.
2. Regionally accredited colleges or universities.
3. Sponsors approved by the American Medical Association Category I CE.

There is no longer any vehicle for Board APPROVAL of programs. HOWEVER, the Board will review programs submitted if the licensee wishes to verify that the credits will qualify for the 8 credits required in ETHICS/JURISPRUDENCE.

Billing By Trainees

Under section Psy 2.09(3)(a)8 of the Administrative Code, a trainee completing his or her supervised experience may neither bill independently nor accept a fee. The manifest justification for such a prohibition is that uncredentialed persons should not be independently billing for psychological services, and the board considers this limitation to also apply to one who has completed his or her supervised practice but who is not yet credentialed. Such an individual is providing psychological services under sec. 455.02(2m)(b), Stats., which states that no license is required for "one providing psychological services as directed, supervised and inspected by a psychologist who has the power to direct, decide and oversee the implementation of the services provided." One practicing under that provision is providing psychological services as the delegated act of the supervising psychologist and, under the doctrine of *respondeat superior*, the act of providing the psychological services is, in a legal sense, the act of the supervising psychologist. Accordingly, while the billing should specify who actually provided the services, it should also make clear under whose authority the services were provided.

Department of Regulation and Licensing Expands Credential Verification Services

The Department of Regulation and Licensing has added a feature at the department's web site (<http://www.drl.state.wi.us>) which will allow employers and members of the public to verify the status of professional credentials held by nearly 280,000 individuals.

Once the department's web site is accessed, users may click on "Credential Holder Query" and they will gain access to the department's credential data base where they can verify whether an individual holds a current license in any of the professions regulated by the department.

"Giving employers and consumers the ability to directly access this information on the Internet makes it easier for the public to verify whether a person is entitled to practice a profession in Wisconsin," Secretary Marlene Cummings said. "It will also be an effective deterrent to efforts by any individuals to successfully misrepresent their credential status since anyone with a computer and internet access can quickly verify whether the credential is actually held by that individual," Cummings added.

Audit of 1997-99 Continuing Education Requirement

March 13, 2000

The outcome of the ten percent (10%) random audit of all licensees resulted in 126 psychologists with generic licenses and 18 with the private practice of school psychology license requested to submit documentation of completion of the required 40 credits of continuing education of which 8 had to be in the area of ethics/jurisprudence. The results follow.

GENERIC LICENSEES: Close to 10% of the random sample were exempt as they were recent licensees (11) or had retired (1) or were deceased (1). Of those licensees required to complete and document CE, 75% did so by the end of 5 months. A total of 23 (20%) were sent to Enforcement as a result of non-compliance.

PRIVATE PRACTICE SCHOOL PSYCHOLOGY LICENSEES: One (1) had retired and one (1) was exempt as a recent licensee. **Of those licensees required to complete and document CE, 56% did so by the end of 5 months.** A total of 7 (44%) were sent to enforcement as a result of non-compliance.

Disciplinary Actions

MARY K. HUDGINS PHD

MADISON WI SURRENDER

Failed to provide verification of having obtained 40 contact hours of continuing education preceding her application for renewal. Record keeping did not meet minimal standards of practice for a psychologist. Practiced while impaired. Entered into barter arrangements with clients. Conduct with a trainee constituted a dual relationship. Sec. 455.09(1)(g), (h), Stats. Psy 4.01, 5.01(2), (11), (17), (28) Case #LS9912076PSY

THEOPHILUS E. GREEN, PSYD

CHICAGO IL REVOKED/COSTS

Failed to notify board of disciplinary action taken in Illinois against his registration to practice clinical psychology in Illinois. Having reported distorted, erroneous, and/or misleading psychological information, he has used fraud or deception in the application for a license. Effective 10/13/99. Psy 5.01 (29) (1999), 3.02 (7), (29) (1989). Case #LS9907131PSY

ANTHONY D MULLOZZI PHD

IRON RIVER WI REVOKED/COSTS

Provided individual and group psychotherapy to a female patient. Invited patient to his home for a private party had contact and sexual relations with her. Had sexual contact and relations with the patient in his office during a scheduled session. She was still a patient at the time

of the sexual contacts. During an interview he told the investigator that the patient had never been in his home and that the two of them did not have sexual contact. A written response to information requested by the investigator was never provided by Dr. Mullozzi or his attorney. Effective 1/27/2000. Sec. 455.09(1)(g), (h), Stats. Psy 5.01(2), (14) (1994), (17), (24) Case #LS9807211PSY

JONATHAN C HOISTAD PHD

NORTH OAKS MN REPRIMAND

The Minnesota board found numerous problems with his testing and documentation, including use of outdated tests, outdated or nonstandard methods of administering tests, inaccurate scoring and interpretation of tests, inadequate documentation of tests, and test data that did not support diagnoses and recommendations. He has complied with all the conditions placed upon him. He did not practice in Wisconsin during the time his Minnesota license was limited. Effective 12/7/99. Psy 5.01(2) Case #LS9912075PSY

JOSEPH F ROE PSYD

MEDFORD WI REPRIMAND/COSTS

Was 23 hours short of the 40 continuing education hours needed to comply with the continuing education requirement during the 10/1/95 through 9/20/97 biennium. Although he completed 11 hours beyond the required 40 hours for the next biennium, the statutes and rules do not allow licensees to carry credits forward or backward between bienniums. Effective 2/18/2000. Sec. 455.09(1)(d), (g), Stats. Psy 5.01(27) Case #LS0002181PSY

Department of Regulation and Licensing
Psychology Examining Board
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Automated Phone System for Chiropractic, Acupuncture, Marriage & Family Therapists, Massage Therapists and Bodyworkers, Music, Art and Dance Therapists, Nursing, Optometry, Professional Counselors, Psychology, & Social Workers: (608) 266-0145

Press 1, then 4 **Application Requests for License & Continuing Education**

Press 2 **Information on Status of Pending Applications.**

Press 3 **Information on Renewal, Verifications, Letters of Good Standing & Name or Address Changes.**

Press 4 **Complaint Filing Information**

Press 5 **Application Questions**

Press 6 **Repeat Menu Choices**

FAX (608) 261-7083

Wisconsin Statutes and Code

Copies of the Psychology Examining Board Statutes and Administrative Code can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated June, 1999.

Quick Keys

The following are voice mail **“short cuts.”**

To request a license application for your profession, just dial (608) 266-0145, then enter the Quick Key numbers below for the profession you want:

- 1-4-1 Doctoral in Psychology
- 1-4-2 Cont. Ed. Information/Application
- 1-4-3 Private Practice School Psychologist

Verifications

All requests for verification of license status must be in writing. There is no charge for this service.

Endorsements

Requests for endorsements to other states must be in writing. The cost is \$10. Please make check or money order payable to the Department of Regulation and Licensing.

Meeting Dates:

2000: 4/14, 5/30, 6/23, 7/28, 9/12, 10/11, 11/15, 12/15

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@drl.state.wi.us

Digest on Web Site

December, 1997, June, 1998, December, 1998 and August, 1999

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